Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E.
Charleston, WV 25305

USPS CERTIFIED MAIL™

9214 8901 1251 3410 0001 3390 41

PORTFOLIO RECOVERY ASSOCIATES, L.L.C.
Corporation Service Company
209 West Washington Street
Charleston, WV 25302

Natalie E. Tennant
Secretary Of State
State Of West Virginia
Phone: 304-558-6000
866-767-8683
Visit us online:
www.wvsos.com

Control Number: 116135

Defendant: PORTFOLIO RECOVERY ASSOCIATES, L.L.C.
209 West Washington Street
Charleston, WV 25302 US

Agent: Corporation Service Company

County: Randolph

Civil Action: 16-C-114

Certified Number: 92148901125134100001339041

Service Date: 9/20/2016

I am enclosing:

1 summons and complaint

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in your name and on your behalf.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on your behalf as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, ***not to the Secretary of State's office****.*

Sincerely,

Natalie E. Tennant

Natalie E. Tennant
Secretary of State

Case Information

County: Randolph County (42)
User: CAROL on CIR42003
Time: 10:03:48 10/19/2016
Printer: CIR01P2

CK-42-2016-C-114

Judge: David H. Wilmoth
Filed: 09/13/2016

Jury: No
Case Type: Civil
Sub-Type: Other

Kathryn Eakin v. **Porfolio Recovery Associates, LLC**

Sort: ○ Most Recent First ○ Oldest First Show Documents: ☑

Refresh

Audit

Accounting

Docket Entries/Documents

09/13/2016 Case Information Sheet filed.

Case Information Sheet filed.

09/13/2016 Summons Issued.

Summons Issued.

09/13/2016 Complaint filed.

Complaint filed.

09/27/2016 Return filed from Sec. St. after accepting service on behalf of Portfolio Recovery Asso. on 9/20/16 filed.

Return filed from Sec. St. after accepting service on behalf of Portfolio Recovery Asso. on 9/20/16 filed.

Close

IN THE CIRCUIT COURT OF RANDOLPH COUNTY, WEST VIRGINIA

CIVIL CASE INFORMATION STATEMENT
(Civil Cases Other than Domestic Relations)

I. CASE STYLE:

Case No. 16-C- 114

Judge: Wilmoth

Plaintiff(s)

Kathryn Eakin, C/O Isner Law Office
PO Box 1878
Elkins, WV 26241

vs.

Defendant(s)

	Days to Answer	Type of Service
PORTFOLIO RECOVERY ASSOCIATES, L.L.C.	30	Secretary of State

Name Corporation Service Company
209 West Washington Street
Street Address
Charleston, WV 25302
City, State, Zip Code

II. TYPE OF CASE:

- [x] General Civil
- [ ] Mass Litigation *[As defined in T.C.R. 26.04(a)]*
  - [ ] Asbestos
  - [ ] FELA Asbestos
  - [ ] Other:
- [ ] Habeas Corpus/Other Extraordinary Writ
- [ ] Other:
- [ ] Adoption
- [ ] Administrative Agency Appeal
- [ ] Civil Appeal from Magistrate Court
- [ ] Miscellaneous Civil Petition
- [ ] Mental Hygiene
- [ ] Guardianship
- [ ] Medical Malpractice

III. JURY DEMAND: [x] Yes [ ] No CASE WILL BE READY FOR TRIAL BY (Month/Year): 08 / 2017

IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS?

[ ] Yes [x] No

IF YES, PLEASE SPECIFY:

- [ ] Wheelchair accessible hearing room and other facilites
- [ ] Reader or other auxiliary aid for the visually impaired
- [ ] Interpreter or other auxiliary aid for the deaf and hard of hearing
- [ ] Spokesperson or other auxiliary aid for the speech impaired
- [ ] Foreign language interpreter-specify language:
- [ ] Other:

Attorney Name: Phillip S. Isner
Firm: Isner Law Office
Address: PO Box 1878, Elkins, WV 26241
Telephone: (304) 636-7681

[ ] Proceeding Without an Attorney

Representing:
- [x] Plaintiff
- [ ] Defendant
- [ ] Cross-Defendant
- [ ] Cross-Complainant
- [ ] 3rd-Party Plaintiff
- [ ] 3rd-Party Defendant

Original and 2 copies of complaint enclosed/attached.

Dated: 9 / 13 / 2016 Signature: [signature]

SUMMONS

CIRCUIT COURT OF RANDOLPH COUNTY, WEST VIRGINIA

KATHRYN EAKIN, C/O ISNER LAW OFFICE

v. 16-C-114 JUDGE DAVID H. WILMOTH

Defendant(s):

PROTFOLIO RECOVERY ASSOCIATES, LLC
209 WEST WASHINGTON ST.
CHARLESTON WV 25302

To the Above-Named Defendant(s):

IN THE NAME OF THE STATE OF WEST VIRGINIA:

You are hereby summoned and required to serve upon PHILLIP ISNER, ESQ.

Plaintiff's Attorney, whose address is PO BOX 1878
ELKINS, WV 26241

an answer, including any related counter-claim you may have, to the complaint filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above-styled civil action.

DATED: 09/13/16

PHILIP D. RIGGLEMAN, CIRCUIT CLERK
RANDOLPH COUNTY, WEST VIRGINIA

BY: ______________________, Deputy

IN THE CIRCUIT COURT OF RANDOLPH COUNTY, WEST VIRGINIA

KATHRYN EAKIN,

PLAINTIFF,

v. Civil Action No. 16-C- 114

PORTFOLIO RECOVERY ASSOCIATES, LLC,

DEFENDANT

COMPLAINT

1. The Plaintiff, Kathryn Eakin, is a resident of the State of West Virginia.
2. The Plaintiff, Kathryn Eakin, is a "consumer" as defined by West Virginia Code 46A-2-122(a), or Article 2 of the *West Virginia Consumer Credit and Protection Act* (herein "WVCCPA"), and is entitled to the remedies set forth in Article 5 of the WVCCPA.
3. The Defendant,Portfolio Recovery Associates, LLC, (herein "PRA") is an entity incorporated in Delaware and registered to do business in West Virginia.
4. The Defendant, PRA, is a debt collector as defined by *West Virginia Code* §46A- 2-122(d) engaging directly or indirectly in debt collection as defined by *West Virginia Code* §46A-2-122(c) within the State of West Virginia, including Raleigh County, West Virginia.
5. After the Plaintiff became in arrears upon the alleged indebtedness to the Defendant, PRA, upon account ending in 5890, the Defendant began to engage in collection of such indebtedness through the use of telephone

calls placed to Plaintiff, by written communications and did otherwise communicate with Plaintiff to collect the alleged debt.

6. On 9 Febraury 2010, the Plaintiff advised the Defendant that she was represented by counsel in connection with the debt mentioned in paragraph 5 of this Complaint (See Exhibit A).

7. The 9 February 2010 notice included the Name, Address, Telephone number, and confirmation that she was represented in connection with the specific debt referenced in paragraph 5 of this Complaint.

8. More than seventy-two hours after receiving written notice of the Plaintiff's representation, Defendant continued to cause telephone calls to be placed to the Plaintiff regarding the debt mentioned in paragraph 5 of this Complaint.

9. More than seventy-two hours after receiving written notice of the Plaintiff's representation, Defendant continued to directly communicate via written correspondence with the Plaintiff regarding the debt mentioned in paragraph 5 of this Complaint.

10. Upon information and belief, the Defendant maintains records of each call placed to the Plaintiff by date, time called, duration of call, the identity of the Defendant's employee and notes or codes placed upon such record by the Defendant's employee.

11. Subsequent to sending written notification of representation, the Plaintiff has maintained a log of all communications, in writing or via telephone, that the

Defendant has engaged in with the Plaintiff regarding the debt mentioned in paragraph 5 of this Complaint.

12. Subsequent to receiving written notification that the Plaintiff is represented by Counsel, the Defendant has communicated with the Plaintiff via telephone on the following occasions:

1) 17 January 2012 at 8:42 a.m.;
2) 17 January 2012 at 5:58 p.m.;
3) 27 January 2012 at 8:44 a.m.;
4) 29 January 2012 at 7:23 p.m.;
5) 31 January 2012 at 8:49 a.m.;
6) 8 June 2012 at 6:29 p.m. from phone number (412) 282-1422;
7) 8 June 2012 at 8:54 p.m. from phone number (407) 347-6414;
8) 12 June 2012 at 8:34 p.m. from phone number (702) 410-7489;
9) 14 June 2012 at 7:12 p.m. from phone number (412) 567-1288;
10) 16 June 2012 at 8:22 p.m. from phone number (626) 209-2244;
11) 17 June 2012 at 7:23 p.m. from phone number (914) 513-0443;
12) 18 June 2012 at 8:36 p.m. from phone number (412) 567-0197;
13) 21 June 2012 at 8:52 a.m. from phone number (407) 347-6414;
14) 21 June 2012 at 6:00 p.m. from phone number (404) 921-2537;
15) 27 June 2012 at 8:17 a.m. from phone number (404) 921-2537;
16) 27 June 2012 at 6:43 p.m. from phone number (443) 313-1381;
17) 9 July 2012 at 9:39 a.m. from phone number (407) 378-4628;
18) 9 July 2012 at 5:58 p.m. from phone number (404) 935-6551;

19) 11 July 2012 at 3:42 p.m. from phone number (800) 860-0644;

20) 17 July 2012 at 8:44 a.m. from phone number (404) 935-6551

21) 17 July 2012 at 4:16 p.m. from phone number (412) 282-1423;

22) 17 July 2012 at 7:13 p.m. from phone number (404) 935-6551;

23) 18 July 2012 at 4:16 p.m. from phone number (412) 282-1423;

24) 21 July 2012 at 3:11 p.m. from phone number (670) 265-1576;

25) 27 July 2012 at 9:48 a.m. from phone number (404) 489-2841;

26) 28 July 2012 at 8:00 p.m. from phone number (626) 209-2244;

27) 30 July 2012 at 6:46 p.m. from phone number (412) 282-1423;

28) 31 July 2012 at 10:09 a.m. from phone number (404) 935-6551;

29) 31 July 2012 at 8:47 a.m. from phone number (412) 282-1423;

30) 1 August 2012 at 3:25 p.m. from phone number (443) 313-1382;

31) 2 August 2012 at 5:02 p.m. from phone number (484) 489-2841;

32) 8 August 2012 at 5:53 p.m. from phone number (412) 282-1423;

33) 8 August 2012 at 8:13 a.m. from phone number (443) 313-1382;

34) 10 August 2012 at 9:35 a.m. from phone number (800) 860-0644;

35) 16 August 2012 at 8:44 a.m. from phone number (443) 313-1382;

36) 16 August 2012 at 5:38 p.m. from phone number (484) 489-2841;

37) 20 August 2012 at 8:44 a.m. from phone number (757) 864-0020;

38) 20 August 2012 at 5:57 p.m. from phone number (702) 410-7497;

39) 30 August 2012 at 8:46 a.m. from phone number (443) 313-1382;

40) 30 August 2012 at 5:58 p.m. from phone number (484) 489-2841;

41) 7 September 2012 at 11:30 a.m. from phone number (626) 209-2244;

42) 7 September 2012 at 5:26 p.m. from phone number (484) 489-2841;

43) 9 September 2012 at 3:46 p.m. from phone number (800) 860-0644;

44) 11 September 2012 at 8:43 a.m. from phone number (702) 410-7497;

45) 11 September 2012 at 6:10 p.m. from phone number (412) 282-1423;

46) 11 September 2012 at 8:53 p.m. from phone number (412) 282-1423;

47) 15 September 2012 at 11:02 a.m. from phone number (678) 265-1576

48) 16 September 2012 at 2:54 p.m. from phone number (678) 265-1576;

49) 20 September 2012 at 3:17 p.m. from phone number (484) 489-2811;

50) 26 September 2012 at 8:48 a.m. from phone number (412) 282-1432;

51) 8 October 2012 at 2:41 p.m. from phone number (702) 410-7497;

52) 8 October 2012 at 7:53 p.m. from phone number (757) 864-0020;

53) 10 October 2012 at 9:29 a.m. from phone number (800) 860-0644;

54) 16 October 2012 at 2:19 p.m. from phone number (412) 282-1423;

55) 16 October 2012 at 8:18 p.m. from phone number (702) 410-7497;

56) 31 October 2012 at 8:50 a.m. from phone number (443) 313-1362;

57) 7 November 2012 at 8:45 a.m. from phone number (412) 282-1423;

58) 7 November 2012 at 6:28 p.m. from phone number (443) 313-1382;

59) 7 November 2012 at 8:49 p.m. from phone number (443) 313-1382;

60) 9 November 2012 at 8:17 a.m. from phone number (800) 860-0644;

61) 9 November 2012 at 6:04 p.m. from phone number (800) 860-0644;

62) 29 November 2012 at 8:42 a.m. from phone number (433) 313-1382;

63) 29 November 2012 at 6:42 p.m. from phone number (484) 489-2841;

64) 3 December 2012 at 8:41 a.m. from phone number (757) 864-0020;

65) 3 December 2012 at 5:58 p.m. from phone number (702) 410-7497;

66) 7 December 2012 at 2:37 p.m. from phone number (484) 489-2841

67) 7 December 2012 at 7:09 p.m. from phone number (626) 209-2244;

68) 11 December 2012 at 8:43 a.m. from phone number (412) 282-1423;

69) 16 December 2012 at 12:21 p.m. from phone number (678) 265-1576;

70) 16 December 2012 at 8:37 p.m. from phone number (678) 265-1576;

71) 20 December 2012 at 2:24 p.m. from phone number (484) 489-2841;

72) 20 December 2012 at 4:49 p.m. from phone number (443) 313-1382;

73) 7 January 2013 at 8:40 a.m. from phone number (757) 864-0020;

74) 9 January 2013 at 6:07 p.m. from phone number (800) 860-0641;

75) 15 January 2013 at 1:27 p.m. from phone number (412) 282-1423;

76) 15 January 2013 at 5:47 p.m. from phone number (702) 410-7497;

77) 18 February 2013 at 7:45 p.m. from phone number (757) 864-0020;

78) 28 February 2013 at 1:30 p.m. from phone number (484) 489-2841;

79) 28 February 2013 at 5:02 p.m. from phone number (443) 313-1382;

80) 4 March 2013 at 8:11 a.m. from phone number (702) 410-7497;

81) 4 March 2013 at 6:25 p.m. from phone number (757) 864—0020;

82) 4 March 2013 at 8:32 p.m. from phone number (757) 864-0020;

83) 8 March 2013 at 8:36 a.m. from phone number (484) 489-2841;

84) 8 March 2013 at 5:27 p.m. from phone number (626) 209-2244;

85) 8 March 2013 at 7:34 p.m. from phone number (626) 209-2244

86) 10 March 2013 at 1:05 p.m. from phone number (800) 860-0644;

87) 17 March 2013 at 5:26 p.m. from phone number (800) 772-1413;

88) 2 April 2013 at 3:44 p.m. from phone number (800) 772-1413;

89) 2 April 2013 at 5:50 p.m. from phone number (412) 235-6111;

90) 8 April 2013 at 8:07 a.m. from phone number (800) 772-1413;

91) 8 April 2013 at 6:32 p.m. from phone number (412) 235-6111;

92) 10 April 2013 at 6:06 p.m. from phone number (800) 772-1413;

93) 14 April 2013 at 6:51 p.m. from phone number (412) 235-6111;

94) 16 April 2013 at 8:37 p.m. from phone number (412) 235-6111;

95) 20 April 2013 at 8:45 a.m. from phone number (410) 575-1863;

96) 24 April 2013 at 10:16 a.m. from phone number (914) 595-7031;

97) 24 April 2013 at 7:10 p.m. from phone number (678) 275-8928;

98) 2 May 2013 at 1:57 p.m. from phone number (679) 275-8928;

99) 4 May 2013 at 9:54 a.m. from phone number (404) 719-4368;

100) 8 May 2013 at 9:55 a.m. from phone number (914) -595-7031;

101) 8 May 2013 at 6:26 p.m. from phone number (678) 275-8928;

102) 10 May 2013 at 8:23 a.m. from phone number (800) 772-1413;

103) 10 May 2013 at 6:06 p.m. from phone number (800) 772-1413;

104) 14 May 2013 at 8:18 a.m. from phone number (859) 586-9557;

105) 14 May 2013 at 8:17 p.m. from phone number (412) 235-6111;

106) 16 May 2013 at 6:25 p.m. from phone number (678) 275-8928;

107) 16 May 2013 at 8:18 p.m. from phone number (914) 595-7031;

108) 20 May 2013 at 2:08 p.m. from phone number (859) 586-9557;

109) 20 May 2013 at 5:25 p.m. from phone number (412) 235-6111;

110) 20 May 2013 at 7:35 p.m. from phone number (412) 235-6111;

111) 24 May 2013 at 8:18 p.m. from phone number (404) 719-4368;

112) 1 June 2013 at 6:38 p.m. from phone number (410) 575-1863;

113) 3 June 2013 at 2:04 p.m. from phone number (412) 235-6111;

114) 3 June 2013 at 8:44 p.m. from phone number (859) 586-9557;

115) 7 June 2013 at 1:58 p.m. from phone number (404) 719-4368;

116) 7 June 2013 at 6:40 p.m. from phone number (410) 575-1863;

117) 9 June 2013 at 3:26 p.m. from phone number (800) 772-1413;

118) 13 June 2013 at 8:31 a.m. from phone number (678) 275-8928;

119) 13 June 2013 at 7:12 p.m. from phone number (914) 595-7031;

120) 15 June 2013 at 9:25 a.m. from phone number (404) 719-4368;

121) 15 June 2013 at 6:43 p.m. from phone number (404) 719-4368;

122) 16 June 2013 3:54 p.m. from phone number (678) 275-8928;

123) 16 June 2013 at 6:10 p.m. from phone number (678) 275-8928;

124) 20 June 2013 at 8:18 a.m. from phone number (914) 595-7031;

125) 20 June 2013 at 5:49 p.m. from phone number (678) 275-8928;

126) 24 June 2013 at 8:17 a.m. from phone number (412) 235-6111;

127) 24 June 2013 at 7:51 p.m. from phone number (859) 586-9557;

128) 2 July 2013 at 12:30 p.m. from phone number (914) 513-0163;

129) 2 July 2013 at 2:33 p.m. from phone number (412) 709-0437;

130) 8 July 2013 at 12:30 p.m. from phone number (443) 313-1381;

131) 10 July 2013 at 8:22 a.m. from phone number (404) 921-2521;

132) 10 July 2013 at 6:05 p.m. from phone number (404) 921-2521;

133) 16 July 2013 at 8:17 p.m. from phone number (412) 235-6111;

134) 24 July 2013 at 5:04 p.m. from phone number (914) 595-7031;

135) 28 July 2013 at 3:27 p.m. from phone number (859) 586-9557;

136) 7 August 2013 at 4:20 p.m. from phone number (914) 595-7031;

137) 9 August 2013 at 9:22 a.m. from phone number (410) 575-1863;

138) 9 August 2013 at 6:16 p.m. from phone number (410) 575-1863;

139) 28 August 2013 at 5:10 p.m. from phone number (914) 595-7031;

140) 1 September 2013 at 1:10 p.m. from phone number (914) 595-7031;

141) 8 September 2013 at 1:58 p.m. from phone number (859) 586-9557;

142) 9 October 2013 at 8:20 a.m. from phone number (914) 595-7031;

143) 12 October 2013 at 3:30 p.m. from phone number (404) 719-4368;

144) 21 October 2013 at 1:42 p.m. from phone number (904) 808-5326;

145) 24 October 2013 at 6:36 p.m. from phone number (678) 275-8928;

146) 30 October 2013 at 6:18 p.m. from phone number (914) 595-7031;

147) 3 December 2013 at 3:23 p.m. from phone number (404) 719-4368;

148) 11 December 2013 at 4:00 p.m. from phone number (412) 235-6111;

149) 18 December 2013 at 6:06 p.m. from phone number (440) 638-5278;

150) 31 December 2013 at 8:04 a.m. from phone number (404) 719-4368;

151) 31 December 2013 at 6:06 p.m. from phone number (404) 719-4368;

152) 12 January 2014 at 12:56 p.m. from phone number (205) 396-3619;

153) 12 January 2014 at 2:57 p.m. from phone number (731) 345-4195;

154) 21 January 2014 at 12:51 p.m. from phone number (404) 719-4368;

155) 24 January 2014 at 8:22 a.m. from phone number (602) 635-3897;

156) 24 January 2014 at 6:05 p.m. from phone number (602) 635-3897;

157) 10 February 2014 at 4:15 p.m. from phone number (205) 396-3619;

158) 18 August 2014 at 1:35 p.m. from phone number (817) 479-9154;

159) 1 September 2014 at 2:00 p.m. from phone number (914) 895-7031;

160) 4 September 2014 at 5:45 p.m. from phone number (817) 479-9154;

161) 6 September 2014 at 1:38 p.m. from phone number (817) 800-4360;

162) 13 September 2014 at 11:44 a.m. from phone number (817) 800-4360;

163) 22 September 2014 at 5:36 p.m. from phone number (859) 586-9557;

164) 1 October 2014 at 4:27 p.m. from phone number (859) 586-9557;

165) 3 October 2014 at 7:35 p.m. from phone number (989) 606-5902;

166) 8 October 2014 at 7:01 p.m. from phone number (854) 606-9422;

167) 29 October 2014 at 4:18 p.m. from phone number (817) 479-9154;

168) 19 November 2014 at 4:19 p.m. from phone number (954) 606-9402

169) 1 December 2014 at 5:57 p.m. from phone number (817) 479-9154;

170) 13 December 2014 at 4:55 p.m. from phone number (817) 479-9154;

171) 22 December 2014 at 4:19 p.m. from phone number (859) 586-9557;

172) 26 December 2014 at 12:25 p.m. from phone number (817) 479-9154;

173) 7 January 2015 at 6:56 p.m. from phone number (954) 606-9402;

174) 9 January 2015 at 12:54 p.m. from phone number (817) 479-9154;

175) 17 January 2015;

176) 29 January 2015 at 5:16 p.m. from phone number (817) 479-9154; and

177) 2 February 2015 from phone number (859) 586-9587;

13. Subsequent to receiving written notification that the Plaintiff is represented by Counsel, the Defendant has communicated with the Plaintiff via written correspondence on the following occasions:

1) A letter dated 18 April 2012 (See Exhibit B);

2) A letter dated 31 July 2012 (See Exhibit C);

3) A letter dated 7 November 2012 (See Exhibit D);

4) A letter dated 5 February 2013 (See Exhibit E)

5) A letter dated 21 August 2013 (See Exhibit F)

6) A letter dated 14 August 2014 (See Exhibit G);

7) A letter dated 3 March 2015 (See Exhibit H); and

8) A letter dated 19 August 2015 (See Exhibit I);

COUNT I

VIOLATIONS OF THE WEST VIRGINIA CONSUMER CREDIT AND PROTECTION ACT

14. The Plaintiff incorporates the previous paragraphs as if fully set forth herein.

15. The Defendant has engaged in repeated violations of Article 2 of the *West Virginia Consumer Credit and Protection Act*, including but not limited to,

a. engaging in unreasonable or oppressive or abusive conduct towards the Plaintiff in connection with the attempt to collect a debt by placing telephone calls to the Plaintiff in violation of *West Virginia Code* §46A-2-125;

b. causing Plaintiff's phone to ring or engaging persons, including the Plaintiff, in telephone conversations repeatedly or continuously or at unusual times or at times known to be inconvenient, with the intent to annoy, abuse or oppress the Plaintiff in violation of *West Virginia Code* §46A-2-125(d);

c. using unfair or unconscionable means to collect a debt from Plaintiff in violation of *West Virginia Code* §46A-2-128.

d. Communicating with the Plaintiff more than seventy-two hours after receiving written notice of the Plaintiff's representation by counsel.

16. As a result of the Defendant's actions, Plaintiff has been annoyed, inconvenienced, harassed, bothered, upset, angered, harangued and otherwise was caused indignation and distress.

COUNT II

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

17. The Plaintiff incorporates the previous paragraphs as if fully set forth herein.

18. The following conduct of Defendant was atrocious, intolerable and extreme so as to exceed the bounds of decency:

   a. Defendant has adopted policies and procedures without regard to West Virginia law, which violate West Virginia law and are designed to, or have the effect of, inflicting emotional distress upon consumers to coerce the consumer to pay money to the Defendant;

   b. Insofar as Defendant's violations of the WVCCPA are deemed to be "willful," pursuant to *West Virginia Code* §46A-5-103(4) such conduct is, as a matter of law, criminal conduct punishable by fine and/or imprisonment;

   c. Insofar as Defendant's conduct caused a phone to ring with the intent to harass, such conduct is criminal conduct pursuant to *West Virginia Code* §61-8-16(a)(3) punishable by fine and/or imprisonment;

   d. Insofar as Defendant's conduct of engaged in telephone conversation with Plaintiff to have been undertaken with the intent to harass, such conduct is criminal conduct proscribed by *West Virginia Code* §61-8-16(a)(4) punishable by fine and/or imprisonment;

e. Insofar as Defendant's conduct constituted knowingly allowing a phone under Defendant's control to be used to harass any person, such conduct is criminal conduct proscribed by *West Virginia Code* §61-8-16(b) punishable by fine and/or imprisonment.

19. Through the above-described conduct, the defendant acted with intent to inflict emotional distress or acted recklessly when it was certain or substantially certain such distress would result from his conduct

20. As a result of the Defendant's actions, the Plaintiff has suffered emotional distress.

21. The emotional distress suffered by the Plaintiff was so severe that no reasonable person could be expected to endure it.

22. As a result of the Defendant's actions, the Plaintiff has been annoyed, inconvenienced, harassed, bothered, upset, angered, harangued and otherwise was caused indignation and distress.

COUNT III

COMMON LAW INVASION OF PRIVACY

23. The Plaintiff incorporates the previous paragraphs as if fully set forth herein.

24. The Plaintiff has, and had, an expectation of privacy to be free from harassing and annoying telephone calls within the confines of Plaintiff's home

25. The Defendant intruded upon the seclusion of the Plaintiff by engaging in the above-described conduct.

26. The acts of the Defendant in placing telephone calls to Plaintiff's telephone number invaded, damaged and harmed Plaintiff's right of privacy.

27. As a result of the Defendant's actions, the Plaintiff suffered emotional distress.

28. As a result of the Defendant's action, the Plaintiff has been annoyed, inconvenienced, harassed, bothered, upset, angered, harangued and otherwise was caused indignation and distress.

COUNT IV

VIOLATION OF WEST VIRGINIA CODE 61-8-16(a)(3)

29. The Plaintiff incorporates the previous paragraphs as if fully set forth herein.

30. The Defendant, in violation of West Virginia Code 61-8-16(a)(3), made or caused the telephone of Plaintiff to repeatedly and/or continuously ring with the intent to harass the Plaintiff at the called number.

31. Pursuant to West Virginia Code 55-7-9, any person injured by the violation of a statute may recover from the offender such damages he/she sustained as a result of the violation.

32. As a result of the Defendant's violation, the Plaintiff suffered severe emotional distress.

33. As a result of the Defendant's violation, the Plaintiff has been annoyed, inconvenienced, harassed, bothered, upset, angered, harangued and otherwise was caused indignation and distress.

COUNT V

VIOLATION OF WEST VIRGINIA CODE 61-8-16(a)(4)

34. The Plaintiff incorporates the previous paragraphs as if fully set forth herein.

35. The Defendant, in violation of West Virginia Code 61-8-16(a)(4), made repeated telephone calls to Plaintiff during which conversation ensued with the intent to harass the Plaintiff at the called number.

36. Pursuant to West Virginia Code 55-7-9, any person injured by the violation of a statute may recover from the offender such damages he/she sustained as a result of the violation.

37. As a result of the Defendant's violation, the Plaintiff suffered severe emotional distress.

38. As a result of the Defendant's violation, the Plaintiff has been annoyed, inconvenienced, harassed, bothered, upset, angered, harangued and otherwise was caused indignation and distress.

COUNT VI

VIOLATION OF WEST VIRGINIA CODE 61-8-16(b)

39. The Plaintiff incorporates the previous paragraphs as if fully set forth herein.

40. The Defendant, in violation of West Virginia Code 61-8-16(b), knowingly permitted telephones under Defendant's control to be used to violate West Virginia Code 61-8-16(a)(3) and (4).

41. Pursuant to West Virginia Code 55-7-9, any person injured by the violation of a statute may recover from the offender such damages he/she sustained as a result of the violation.

42. As a result of the Defendant's violation, the Plaintiff suffered severe emotional distress.

43. As a result of the Defendant's violation, the Plaintiff has been annoyed, inconvenienced, harassed, bothered, upset, angered, harangued and otherwise was caused indignation and distress.

REQUEST FOR RELIEF

44. The Plaintiff respectfully requests:

a. Actual damages for annoyance, aggravation, distress, bother and anxiety, for the violations of the WVCCPA as authorized by *West Virginia Code* §46A-5-101(1) for all such violations that occurred up to the date and time of the filing of this complaint;

b. Statutory damages in the maximum amount authorized by *West Virginia Code* §46A-5-101(1) that occurred up to the date and time of the filing of this complaint;

c. Plaintiff's cost of litigation, including attorney fees, court costs and fees, pursuant to *West Virginia Code* §46A-5-104;

d. The Plaintiff be granted general damages and punitive damages for Defendant's conduct alleged as to all counts; and

e. Such other relief as the Court shall deem just and proper under the attendant circumstances.

KATHRYN EAKIN,
BY COUNSEL

PHILLIP ISNER, # 9399
DAVID C. FUELLHART, # 12880
ISNER LAW OFFICE
POST OFFICE BOX 1878
ELKINS, WEST VIRGINIA 26241
(304) 636-7681 (TELEPHONE)
(304) 636-8300 (FACSIMILE)
COUNSEL FOR THE PLAINTIFF

Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E.
Charleston, WV 25305

RA... COUNTY
2016 SEP 26 ... 11
BY__________DEPUTY

Natalie E. Tennant
Secretary Of State
State Of West Virginia
Phone: 304-558-6000
866-767-8683
Visit us online:
www.wvsos.com

Philip D. Riggleman
Randolph County Courthouse
2 Randolph Avenue
Elkins, WV 26241-4099

Control Number: 116135

Defendant: PORTFOLIO RECOVERY ASSOCIATES, L.L.C.
209 West Washington Street
Charleston, WV 25302 US

Agent: Corporation Service Company

County: Randolph

Civil Action: 16-C-114

Certified Number: 92148901125134100001339041

Service Date: 9/20/2016

I am enclosing:

1 summons and complaint

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in your name and on your behalf.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on your behalf as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, ***not to the Secretary of State's office.***

Sincerely,

Natalie E Tennant

Natalie E. Tennant
Secretary of State

Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E.
Charleston, WV 25305

RA[illegible]TY
[illegible]
BY________________DEPUTY

Natalie E. Tennant
Secretary Of State
State Of West Virginia
Phone: 304-558-6000
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Sincerely,

Natalie E Tennant

Natalie E. Tennant
Secretary of State

CIRCUIT COURT OF RANDOLPH COUNTY, WEST VIRGINIA

KATHRYN EAKIN, C/O ISNER LAW OFFICE

v. 16-C-114 JUDGE DAVID H. WILMOTH

Defendant(s):

PROTFOLIO RECOVERY ASSOCIATES, LLC
209 WEST WASHINGTON ST.
CHARLESTON WV 25302

ACCEPTED FOR SERVICE OF PROCESS
2016 SEP 20 P 3:20
SECRETARY OF STATE OF WEST VIRGINIA

To the Above-Named Defendant(s):

IN THE NAME OF THE STATE OF WEST VIRGINIA:

You are hereby summoned and required to serve upon PHILLIP ISNER, ESQ.
Plaintiff's Attorney, whose address is PO BOX 1878
ELKINS, WV 26241

an answer, including any related counter-claim you may have, to the complaint filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above-styled civil action.

DATED: 09/13/16

PHILIP D. RIGGLEMAN, CIRCUIT CLERK
RANDOLPH COUNTY, WEST VIRGINIA

BY: ______________________, Deputy

RECEIVED
SEP 15 2016

IN THE CIRCUIT COURT OF RANDOLPH COUNTY, WEST VIRGINIA

CIVIL CASE INFORMATION STATEMENT
(Civil Cases Other than Domestic Relations)

FILED RANDOLPH COUNTY CIRCUIT COURT
2016 SEP 13 P 3:56
CIRCUIT CLERK'S OFFICE
BY ________ DEPUTY

I. CASE STYLE:

Case No. 16-C- 114
Judge: Wilmoth

Plaintiff(s)
Kathryn Eakin, C/O Isner Law Office
PO Box 1878
Elkins, WV 26241

vs.

Defendant(s)
PORTFOLIO RECOVERY ASSOCIATES, L.L.C.
Name Corporation Service Company
209 West Washington Street
Street Address
Charleston, WV 25302
City, State, Zip Code

Days to Answer	Type of Service
30	Secretary of State

II. TYPE OF CASE:

- [x] General Civil
- [ ] Mass Litigation *[As defined in T.C.R. 26.04(a)]*
  - [ ] Asbestos
  - [ ] FELA Asbestos
  - [ ] Other:
- [ ] Habeas Corpus/Other Extraordinary Writ
- [ ] Other:
- [ ] Adoption
- [ ] Administrative Agency Appeal
- [ ] Civil Appeal from Magistrate Court
- [ ] Miscellaneous Civil Petition
- [ ] Mental Hygiene
- [ ] Guardianship
- [ ] Medical Malpractice

III. JURY DEMAND: [x] Yes [ ] No CASE WILL BE READY FOR TRIAL BY (Month/Year): 08 / 2017

IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS?

[ ] Yes [x] No

IF YES, PLEASE SPECIFY:

- [ ] Wheelchair accessible hearing room and other facilites
- [ ] Reader or other auxiliary aid for the visually impaired
- [ ] Interpreter or other auxiliary aid for the deaf and hard of hearing
- [ ] Spokesperson or other auxiliary aid for the speech impaired
- [ ] Foreign language interpreter-specify language:
- [ ] Other:

Attorney Name: Phillip S. Isner
Firm: Isner Law Office
Address: PO Box 1878, Elkins, WV 26241
Telephone: (304) 636-7681

[ ] Proceeding Without an Attorney

Representing:
- [x] Plaintiff
- [ ] Defendant
- [ ] Cross-Defendant
- [ ] Cross-Complainant
- [ ] 3rd-Party Plaintiff
- [ ] 3rd-Party Defendant

Original and 2 copies of complaint enclosed/attached.

Dated: 9 / 13 / 2016 Signature: [signature]

FILED
RANDOLPH COUNTY
CIRCUIT COURT
2016 SEP 13 P 3:56
CIRCUIT CLERK'S OFFICE

IN THE CIRCUIT COURT OF RANDOLPH COUNTY, WEST VIRGINIA

KATHRYN EAKIN,

PLAINTIFF,

v.

Civil Action No. 16-C-114

BY______________DEPUTY

PORTFOLIO RECOVERY ASSOCIATES, LLC,

DEFENDANT

COMPLAINT

1. The Plaintiff, Kathryn Eakin, is a resident of the State of West Virginia.
2. The Plaintiff, Kathryn Eakin, is a "consumer" as defined by West Virginia Code 46A-2-122(a), or Article 2 of the *West Virginia Consumer Credit and Protection Act* (herein "WVCCPA"), and is entitled to the remedies set forth in Article 5 of the WVCCPA.
3. The Defendant,Portfolio Recovery Associates, LLC, (herein "PRA") is an entity incorporated in Delaware and registered to do business in West Virginia.
4. The Defendant, PRA, is a debt collector as defined by *West Virginia Code* §46A- 2-122(d) engaging directly or indirectly in debt collection as defined by *West Virginia Code* §46A-2-122(c) within the State of West Virginia, including Raleigh County, West Virginia.
5. After the Plaintiff became in arrears upon the alleged indebtedness to the Defendant, PRA, upon account ending in 5890, the Defendant began to engage in collection of such indebtedness through the use of telephone

calls placed to Plaintiff, by written communications and did otherwise communicate with Plaintiff to collect the alleged debt.

6. On 9 Febraury 2010, the Plaintiff advised the Defendant that she was represented by counsel in connection with the debt mentioned in paragraph 5 of this Complaint (See Exhibit A).

7. The 9 February 2010 notice included the Name, Address, Telephone number, and confirmation that she was represented in connection with the specific debt referenced in paragraph 5 of this Complaint.

8. More than seventy-two hours after receiving written notice of the Plaintiff's representation, Defendant continued to cause telephone calls to be placed to the Plaintiff regarding the debt mentioned in paragraph 5 of this Complaint.

9. More than seventy-two hours after receiving written notice of the Plaintiff's representation, Defendant continued to directly communicate via written correspondence with the Plaintiff regarding the debt mentioned in paragraph 5 of this Complaint.

10. Upon information and belief, the Defendant maintains records of each call placed to the Plaintiff by date, time called, duration of call, the identity of the Defendant's employee and notes or codes placed upon such record by the Defendant's employee.

11. Subsequent to sending written notification of representation, the Plaintiff has maintained a log of all communications, in writing or via telephone, that the

Defendant has engaged in with the Plaintiff regarding the debt mentioned in paragraph 5 of this Complaint.

12. Subsequent to receiving written notification that the Plaintiff is represented by Counsel, the Defendant has communicated with the Plaintiff via telephone on the following occasions:

1) 17 January 2012 at 8:42 a.m.;
2) 17 January 2012 at 5:58 p.m.;
3) 27 January 2012 at 8:44 a.m.;
4) 29 January 2012 at 7:23 p.m.;
5) 31 January 2012 at 8:49 a.m.;
6) 8 June 2012 at 6:29 p.m. from phone number (412) 282-1422;
7) 8 June 2012 at 8:54 p.m. from phone number (407) 347-6414;
8) 12 June 2012 at 8:34 p.m. from phone number (702) 410-7489;
9) 14 June 2012 at 7:12 p.m. from phone number (412) 567-1288;
10) 16 June 2012 at 8:22 p.m. from phone number (626) 209-2244;
11) 17 June 2012 at 7:23 p.m. from phone number (914) 513-0443;
12) 18 June 2012 at 8:36 p.m. from phone number (412) 567-0197;
13) 21 June 2012 at 8:52 a.m. from phone number (407) 347-6414;
14) 21 June 2012 at 6:00 p.m. from phone number (404) 921-2537;
15) 27 June 2012 at 8:17 a.m. from phone number (404) 921-2537;
16) 27 June 2012 at 6:43 p.m. from phone number (443) 313-1381;
17) 9 July 2012 at 9:39 a.m. from phone number (407) 378-4628;
18) 9 July 2012 at 5:58 p.m. from phone number (404) 935-6551;

19) 11 July 2012 at 3:42 p.m. from phone number (800) 860-0644;

20) 17 July 2012 at 8:44 a.m. from phone number (404) 935-6551

21) 17 July 2012 at 4:16 p.m. from phone number (412) 282-1423;

22) 17 July 2012 at 7:13 p.m. from phone number (404) 935-6551;

23) 18 July 2012 at 4:16 p.m. from phone number (412) 282-1423;

24) 21 July 2012 at 3:11 p.m. from phone number (670) 265-1576;

25) 27 July 2012 at 9:48 a.m. from phone number (404) 489-2841;

26) 28 July 2012 at 8:00 p.m. from phone number (626) 209-2244;

27) 30 July 2012 at 6:46 p.m. from phone number (412) 282-1423;

28) 31 July 2012 at 10:09 a.m. from phone number (404) 935-6551;

29) 31 July 2012 at 8:47 a.m. from phone number (412) 282-1423;

30) 1 August 2012 at 3:25 p.m. from phone number (443) 313-1382;

31) 2 August 2012 at 5:02 p.m. from phone number (484) 489-2841;

32) 8 August 2012 at 5:53 p.m. from phone number (412) 282-1423;

33) 8 August 2012 at 8:13 a.m. from phone number (443) 313-1382;

34) 10 August 2012 at 9:35 a.m. from phone number (800) 860-0644;

35) 16 August 2012 at 8:44 a.m. from phone number (443) 313-1382;

36) 16 August 2012 at 5:38 p.m. from phone number (484) 489-2841;

37) 20 August 2012 at 8:44 a.m. from phone number (757) 864-0020;

38) 20 August 2012 at 5:57 p.m. from phone number (702) 410-7497;

39) 30 August 2012 at 8:46 a.m. from phone number (443) 313-1382;

40) 30 August 2012 at 5:58 p.m. from phone number (484) 489-2841;

41) 7 September 2012 at 11:30 a.m. from phone number (626) 209-2244;

42) 7 September 2012 at 5:26 p.m. from phone number (484) 489-2841;

43) 9 September 2012 at 3:46 p.m. from phone number (800) 860-0644;

44) 11 September 2012 at 8:43 a.m. from phone number (702) 410-7497;

45) 11 September 2012 at 6:10 p.m. from phone number (412) 282-1423;

46) 11 September 2012 at 8:53 p.m. from phone number (412) 282-1423;

47) 15 September 2012 at 11:02 a.m. from phone number (678) 265-1576

48) 16 September 2012 at 2:54 p.m. from phone number (678) 265-1576;

49) 20 September 2012 at 3:17 p.m. from phone number (484) 489-2811;

50) 26 September 2012 at 8:48 a.m. from phone number (412) 282-1432;

51) 8 October 2012 at 2:41 p.m. from phone number (702) 410-7497;

52) 8 October 2012 at 7:53 p.m. from phone number (757) 864-0020;

53) 10 October 2012 at 9:29 a.m. from phone number (800) 860-0644;

54) 16 October 2012 at 2:19 p.m. from phone number (412) 282-1423;

55) 16 October 2012 at 8:18 p.m. from phone number (702) 410-7497;

56) 31 October 2012 at 8:50 a.m. from phone number (443) 313-1362;

57) 7 November 2012 at 8:45 a.m. from phone number (412) 282-1423;

58) 7 November 2012 at 6:28 p.m. from phone number (443) 313-1382;

59) 7 November 2012 at 8:49 p.m. from phone number (443) 313-1382;

60) 9 November 2012 at 8:17 a.m. from phone number (800) 860-0644;

61) 9 November 2012 at 6:04 p.m. from phone number (800) 860-0644;

62) 29 November 2012 at 8:42 a.m. from phone number (433) 313-1382;

63) 29 November 2012 at 6:42 p.m. from phone number (484) 489-2841;

64) 3 December 2012 at 8:41 a.m. from phone number (757) 864-0020;

65) 3 December 2012 at 5:58 p.m. from phone number (702) 410-7497;

66) 7 December 2012 at 2:37 p.m. from phone number (484) 489-2841

67) 7 December 2012 at 7:09 p.m. from phone number (626) 209-2244;

68) 11 December 2012 at 8:43 a.m. from phone number (412) 282-1423;

69) 16 December 2012 at 12:21 p.m. from phone number (678) 265-1576;

70) 16 December 2012 at 8:37 p.m. from phone number (678) 265-1576;

71) 20 December 2012 at 2:24 p.m. from phone number (484) 489-2841;

72) 20 December 2012 at 4:49 p.m. from phone number (443) 313-1382;

73) 7 January 2013 at 8:40 a.m. from phone number (757) 864-0020;

74) 9 January 2013 at 6:07 p.m. from phone number (800) 860-0641;

75) 15 January 2013 at 1:27 p.m. from phone number (412) 282-1423;

76) 15 January 2013 at 5:47 p.m. from phone number (702) 410-7497;

77) 18 February 2013 at 7:45 p.m. from phone number (757) 864-0020;

78) 28 February 2013 at 1:30 p.m. from phone number (484) 489-2841;

79) 28 February 2013 at 5:02 p.m. from phone number (443) 313-1382;

80) 4 March 2013 at 8:11 a.m. from phone number (702) 410-7497;

81) 4 March 2013 at 6:25 p.m. from phone number (757) 864—0020;

82) 4 March 2013 at 8:32 p.m. from phone number (757) 864-0020;

83) 8 March 2013 at 8:36 a.m. from phone number (484) 489-2841;

84) 8 March 2013 at 5:27 p.m. from phone number (626) 209-2244;

85) 8 March 2013 at 7:34 p.m. from phone number (626) 209-2244

86) 10 March 2013 at 1:05 p.m. from phone number (800) 860-0644;

87) 17 March 2013 at 5:26 p.m. from phone number (800) 772-1413;

88) 2 April 2013 at 3:44 p.m. from phone number (800) 772-1413;

89) 2 April 2013 at 5:50 p.m. from phone number (412) 235-6111;

90) 8 April 2013 at 8:07 a.m. from phone number (800) 772-1413;

91) 8 April 2013 at 6:32 p.m. from phone number (412) 235-6111;

92) 10 April 2013 at 6:06 p.m. from phone number (800) 772-1413;

93) 14 April 2013 at 6:51 p.m. from phone number (412) 235-6111;

94) 16 April 2013 at 8:37 p.m. from phone number (412) 235-6111;

95) 20 April 2013 at 8:45 a.m. from phone number (410) 575-1863;

96) 24 April 2013 at 10:16 a.m. from phone number (914) 595-7031;

97) 24 April 2013 at 7:10 p.m. from phone number (678) 275-8928;

98) 2 May 2013 at 1:57 p.m. from phone number (679) 275-8928;

99) 4 May 2013 at 9:54 a.m. from phone number (404) 719-4368;

100) 8 May 2013 at 9:55 a.m. from phone number (914) -595-7031;

101) 8 May 2013 at 6:26 p.m. from phone number (678) 275-8928;

102) 10 May 2013 at 8:23 a.m. from phone number (800) 772-1413;

103) 10 May 2013 at 6:06 p.m. from phone number (800) 772-1413;

104) 14 May 2013 at 8:18 a.m. from phone number (859) 586-9557;

105) 14 May 2013 at 8:17 p.m. from phone number (412) 235-6111;

106) 16 May 2013 at 6:25 p.m. from phone number (678) 275-8928;

107) 16 May 2013 at 8:18 p.m. from phone number (914) 595-7031;

108) 20 May 2013 at 2:08 p.m. from phone number (859) 586-9557;

109) 20 May 2013 at 5:25 p.m. from phone number (412) 235-6111;

110) 20 May 2013 at 7:35 p.m. from phone number (412) 235-6111;

111) 24 May 2013 at 8:18 p.m. from phone number (404) 719-4368;

112) 1 June 2013 at 6:38 p.m. from phone number (410) 575-1863;

113) 3 June 2013 at 2:04 p.m. from phone number (412) 235-6111;

114) 3 June 2013 at 8:44 p.m. from phone number (859) 586-9557;

115) 7 June 2013 at 1:58 p.m. from phone number (404) 719-4368;

116) 7 June 2013 at 6:40 p.m. from phone number (410) 575-1863;

117) 9 June 2013 at 3:26 p.m. from phone number (800) 772-1413;

118) 13 June 2013 at 8:31 a.m. from phone number (678) 275-8928;

119) 13 June 2013 at 7:12 p.m. from phone number (914) 595-7031;

120) 15 June 2013 at 9:25 a.m. from phone number (404) 719-4368;

121) 15 June 2013 at 6:43 p.m. from phone number (404) 719-4368;

122) 16 June 2013 3:54 p.m. from phone number (678) 275-8928;

123) 16 June 2013 at 6:10 p.m. from phone number (678) 275-8928;

124) 20 June 2013 at 8:18 a.m. from phone number (914) 595-7031;

125) 20 June 2013 at 5:49 p.m. from phone number (678) 275-8928;

126) 24 June 2013 at 8:17 a.m. from phone number (412) 235-6111;

127) 24 June 2013 at 7:51 p.m. from phone number (859) 586-9557;

128) 2 July 2013 at 12:30 p.m. from phone number (914) 513-0163;

129) 2 July 2013 at 2:33 p.m. from phone number (412) 709-0437;

130) 8 July 2013 at 12:30 p.m. from phone number (443) 313-1381;

131) 10 July 2013 at 8:22 a.m. from phone number (404) 921-2521;

132) 10 July 2013 at 6:05 p.m. from phone number (404) 921-2521;

133) 16 July 2013 at 8:17 p.m. from phone number (412) 235-6111;

134) 24 July 2013 at 5:04 p.m. from phone number (914) 595-7031;

135) 28 July 2013 at 3:27 p.m. from phone number (859) 586-9557;

136) 7 August 2013 at 4:20 p.m. from phone number (914) 595-7031;

137) 9 August 2013 at 9:22 a.m. from phone number (410) 575-1863;

138) 9 August 2013 at 6:16 p.m. from phone number (410) 575-1863;

139) 28 August 2013 at 5:10 p.m. from phone number (914) 595-7031;

140) 1 September 2013 at 1:10 p.m. from phone number (914) 595-7031;

141) 8 September 2013 at 1:58 p.m. from phone number (859) 586-9557;

142) 9 October 2013 at 8:20 a.m. from phone number (914) 595-7031;

143) 12 October 2013 at 3:30 p.m. from phone number (404) 719-4368;

144) 21 October 2013 at 1:42 p.m. from phone number (904) 808-5326;

145) 24 October 2013 at 6:36 p.m. from phone number (678) 275-8928;

146) 30 October 2013 at 6:18 p.m. from phone number (914) 595-7031;

147) 3 December 2013 at 3:23 p.m. from phone number (404) 719-4368;

148) 11 December 2013 at 4:00 p.m. from phone number (412) 235-6111;

149) 18 December 2013 at 6:06 p.m. from phone number (440) 638-5278;

150) 31 December 2013 at 8:04 a.m. from phone number (404) 719-4368;

151) 31 December 2013 at 6:06 p.m. from phone number (404) 719-4368;

152) 12 January 2014 at 12:56 p.m. from phone number (205) 396-3619;

153) 12 January 2014 at 2:57 p.m. from phone number (731) 345-4195;

154) 21 January 2014 at 12:51 p.m. from phone number (404) 719-4368;

155) 24 January 2014 at 8:22 a.m. from phone number (602) 635-3897;

156) 24 January 2014 at 6:05 p.m. from phone number (602) 635-3897;

157) 10 February 2014 at 4:15 p.m. from phone number (205) 396-3619;

158) 18 August 2014 at 1:35 p.m. from phone number (817) 479-9154;

159) 1 September 2014 at 2:00 p.m. from phone number (914) 895-7031;

160) 4 September 2014 at 5:45 p.m. from phone number (817) 479-9154;

161) 6 September 2014 at 1:38 p.m. from phone number (817) 800-4360;

162) 13 September 2014 at 11:44 a.m. from phone number (817) 800-4360;

163) 22 September 2014 at 5:36 p.m. from phone number (859) 586-9557;

164) 1 October 2014 at 4:27 p.m. from phone number (859) 586-9557;

165) 3 October 2014 at 7:35 p.m. from phone number (989) 606-5902;

166) 8 October 2014 at 7:01 p.m. from phone number (854) 606-9422;

167) 29 October 2014 at 4:18 p.m. from phone number (817) 479-9154;

168) 19 November 2014 at 4:19 p.m. from phone number (954) 606-9402

169) 1 December 2014 at 5:57 p.m. from phone number (817) 479-9154;

170) 13 December 2014 at 4:55 p.m. from phone number (817) 479-9154;

171) 22 December 2014 at 4:19 p.m. from phone number (859) 586-9557;

172) 26 December 2014 at 12:25 p.m. from phone number (817) 479-9154;

173) 7 January 2015 at 6:56 p.m. from phone number (954) 606-9402;

174) 9 January 2015 at 12:54 p.m. from phone number (817) 479-9154;

175) 17 January 2015;

176) 29 January 2015 at 5:16 p.m. from phone number (817) 479-9154; and

177) 2 February 2015 from phone number (859) 586-9587;

13. Subsequent to receiving written notification that the Plaintiff is represented by Counsel, the Defendant has communicated with the Plaintiff via written correspondence on the following occasions:

1) A letter dated 18 April 2012 (See Exhibit B);

2) A letter dated 31 July 2012 (See Exhibit C);

3) A letter dated 7 November 2012 (See Exhibit D);

4) A letter dated 5 February 2013 (See Exhibit E)

5) A letter dated 21 August 2013 (See Exhibit F)

6) A letter dated 14 August 2014 (See Exhibit G);

7) A letter dated 3 March 2015 (See Exhibit H); and

8) A letter dated 19 August 2015 (See Exhibit I);

COUNT I

VIOLATIONS OF THE WEST VIRGINIA CONSUMER CREDIT AND PROTECTION ACT

14. The Plaintiff incorporates the previous paragraphs as if fully set forth herein.

15. The Defendant has engaged in repeated violations of Article 2 of the *West Virginia Consumer Credit and Protection Act*, including but not limited to,

a. engaging in unreasonable or oppressive or abusive conduct towards the Plaintiff in connection with the attempt to collect a debt by placing telephone calls to the Plaintiff in violation of *West Virginia Code* §46A-2-125;

b. causing Plaintiff's phone to ring or engaging persons, including the Plaintiff, in telephone conversations repeatedly or continuously or at unusual times or at times known to be inconvenient, with the intent to annoy, abuse or oppress the Plaintiff in violation of *West Virginia Code* §46A-2-125(d);

c. using unfair or unconscionable means to collect a debt from Plaintiff in violation of *West Virginia Code* §46A-2-128.

d. Communicating with the Plaintiff more than seventy-two hours after receiving written notice of the Plaintiff's representation by counsel.

16. As a result of the Defendant's actions, Plaintiff has been annoyed, inconvenienced, harassed, bothered, upset, angered, harangued and otherwise was caused indignation and distress.

COUNT II

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

17. The Plaintiff incorporates the previous paragraphs as if fully set forth herein.

18. The following conduct of Defendant was atrocious, intolerable and extreme so as to exceed the bounds of decency:

a. Defendant has adopted policies and procedures without regard to West Virginia law, which violate West Virginia law and are designed to, or have the effect of, inflicting emotional distress upon consumers to coerce the consumer to pay money to the Defendant;

b. Insofar as Defendant's violations of the WVCCPA are deemed to be "willful," pursuant to *West Virginia Code* §46A-5-103(4) such conduct is, as a matter of law, criminal conduct punishable by fine and/or imprisonment;

c. Insofar as Defendant's conduct caused a phone to ring with the intent to harass, such conduct is criminal conduct pursuant to *West Virginia Code* §61-8-16(a)(3) punishable by fine and/or imprisonment;

d. Insofar as Defendant's conduct of engaged in telephone conversation with Plaintiff to have been undertaken with the intent to harass, such conduct is criminal conduct proscribed by *West Virginia Code* §61-8-16(a)(4) punishable by fine and/or imprisonment;

e. Insofar as Defendant's conduct constituted knowingly allowing a phone under Defendant's control to be used to harass any person, such conduct is criminal conduct proscribed by *West Virginia Code* §61-8-16(b) punishable by fine and/or imprisonment.

19. Through the above-described conduct, the defendant acted with intent to inflict emotional distress or acted recklessly when it was certain or substantially certain such distress would result from his conduct

20. As a result of the Defendant's actions, the Plaintiff has suffered emotional distress.

21. The emotional distress suffered by the Plaintiff was so severe that no reasonable person could be expected to endure it.

22. As a result of the Defendant's actions, the Plaintiff has been annoyed, inconvenienced, harassed, bothered, upset, angered, harangued and otherwise was caused indignation and distress.

COUNT III

COMMON LAW INVASION OF PRIVACY

23. The Plaintiff incorporates the previous paragraphs as if fully set forth herein.

24. The Plaintiff has, and had, an expectation of privacy to be free from harassing and annoying telephone calls within the confines of Plaintiff's home

25. The Defendant intruded upon the seclusion of the Plaintiff by engaging in the above-described conduct.

26. The acts of the Defendant in placing telephone calls to Plaintiff's telephone number invaded, damaged and harmed Plaintiff's right of privacy.

27. As a result of the Defendant's actions, the Plaintiff suffered emotional distress.

28. As a result of the Defendant's action, the Plaintiff has been annoyed, inconvenienced, harassed, bothered, upset, angered, harangued and otherwise was caused indignation and distress.

COUNT IV

VIOLATION OF WEST VIRGINIA CODE 61-8-16(a)(3)

29. The Plaintiff incorporates the previous paragraphs as if fully set forth herein.

30. The Defendant, in violation of West Virginia Code 61-8-16(a)(3), made or caused the telephone of Plaintiff to repeatedly and/or continuously ring with the intent to harass the Plaintiff at the called number.

31. Pursuant to West Virginia Code 55-7-9, any person injured by the violation of a statute may recover from the offender such damages he/she sustained as a result of the violation.

32. As a result of the Defendant's violation, the Plaintiff suffered severe emotional distress.

33. As a result of the Defendant's violation, the Plaintiff has been annoyed, inconvenienced, harassed, bothered, upset, angered, harangued and otherwise was caused indignation and distress.

COUNT V

VIOLATION OF WEST VIRGINIA CODE 61-8-16(a)(4)

34. The Plaintiff incorporates the previous paragraphs as if fully set forth herein.

35. The Defendant, in violation of West Virginia Code 61-8-16(a)(4), made repeated telephone calls to Plaintiff during which conversation ensued with the intent to harass the Plaintiff at the called number.

36. Pursuant to West Virginia Code 55-7-9, any person injured by the violation of a statute may recover from the offender such damages he/she sustained as a result of the violation.

37. As a result of the Defendant's violation, the Plaintiff suffered severe emotional distress.

38. As a result of the Defendant's violation, the Plaintiff has been annoyed, inconvenienced, harassed, bothered, upset, angered, harangued and otherwise was caused indignation and distress.

COUNT VI

VIOLATION OF WEST VIRGINIA CODE 61-8-16(b)

39. The Plaintiff incorporates the previous paragraphs as if fully set forth herein.

40. The Defendant, in violation of West Virginia Code 61-8-16(b), knowingly permitted telephones under Defendant's control to be used to violate West Virginia Code 61-8-16(a)(3) and (4).

41. Pursuant to West Virginia Code 55-7-9, any person injured by the violation of a statute may recover from the offender such damages he/she sustained as a result of the violation.

42. As a result of the Defendant's violation, the Plaintiff suffered severe emotional distress.

43. As a result of the Defendant's violation, the Plaintiff has been annoyed, inconvenienced, harassed, bothered, upset, angered, harangued and otherwise was caused indignation and distress.

REQUEST FOR RELIEF

44. The Plaintiff respectfully requests:

a. Actual damages for annoyance, aggravation, distress, bother and anxiety, for the violations of the WVCCPA as authorized by *West Virginia Code* §46A-5-101(1) for all such violations that occurred up to the date and time of the filing of this complaint;

b. Statutory damages in the maximum amount authorized by *West Virginia Code* §46A-5-101(1) that occurred up to the date and time of the filing of this complaint;

c. Plaintiff's cost of litigation, including attorney fees, court costs and fees, pursuant to *West Virginia Code* §46A-5-104;

d. The Plaintiff be granted general damages and punitive damages for Defendant's conduct alleged as to all counts; and

e. Such other relief as the Court shall deem just and proper under the attendant circumstances.

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